

**BOARD OF ENVIRONMENTAL REVIEW**  
**AGENDA ITEM**  
**EXECUTIVE SUMMARY**  
**For**

Petition for Rule-Making to set numeric water quality standards for electrical conductivity and sodium adsorption ratio from T&Y Irrigation Company, Tongue River Water Users Association, Buffalo Rapids Irrigation Project, and Northern Plains Resource Council

**AGENDA # IIIA.3.**

**AGENDA ITEM SUMMARY**

Coal bed Methane (CBM) well water discharges have elevated salinity, expressed as electrical conductivity (EC), and sodium adsorption ratio (SAR) values. CBM development is coming to southeastern Montana, and requests for CBM water discharge permits may begin upon completion of the joint state/federal EIS later this year. The petitioners request that the Board accept their petition and initiate rulemaking to adopt numeric water quality standards to protect water quality and the irrigation uses of surface water. The petition contained proposed numeric water quality standards for the Tongue River, Powder River, Little Powder River, and Rosebud Creek. The proposed standards would establish different numeric standards for various reaches of each waterbody thereby allocating the assimilative capacity to producers in Montana, Wyoming, the Northern Cheyenne Reservation, and the Crow Reservation. If the Board accepts the petition, the Board may schedule a public hearing, either before the Board or a Board appointed hearings officer. Following the public hearing the Board will decide whether or not to adopt numeric standards and establish what the standards will be.

**LIST OF AFFECTED RULES**

The Rules that may result from this effort will be new rules in ARM 17.30.601 et.seq.

**AFFECTED PARTIES SUMMARY**

Affected parties include all potential coal bed methane producers and all irrigators in the Montana portion of the Tongue and Powder River Basins and along Rosebud Creek.

**SCOPE OF PROPOSED PROCEEDING**

Acceptance of the petition will initiate rulemaking to translate existing narrative standards for EC and SAR to numeric standards.

**BACKGROUND**

Please see summary given above.

**HEARING INFORMATION**

No hearing is required at this time. One or more hearings will be necessary if the Board accepts the petition and initiates rulemaking.

**BOARD OPTIONS**

The Board may accept or deny the petition.

**DEQ RECOMMENDATION**

The department is not making a recommendation.

**ENCLOSURES**

Petition including Technical Support Information and Proposed Numeric Standards  
Department's Analysis of Legal Issues regarding the Petition  
Comparison of Numeric Standards proposed by the Petitioners and the Department